



# UNITED STATES PATENT AND TRADEMARK OFFICE

*clm*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/761,942

01/20/2004

Andrew W. Kruta

AOL0158

4029

22862

7590

12/27/2006

GLENN PATENT GROUP

3475 EDISON WAY, SUITE L

MENLO PARK, CA 94025

EXAMINER

WANG, BEN C

ART UNIT

PAPER NUMBER

2196

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
----------------------------------------	-----------	---------------

3 MONTHS

12/27/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/761,942

Applicant(s)

KRUTA ET AL.

Examiner

Ben C. Wang

Art Unit

2196

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/20/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claims 1-23 are pending in this application and presented for examination.

#### *Claim Objections*

2. Claim 7 is objected to because the following informalities:

Claim 7 is dependent from itself. For examining purposes, claim 7 is considered dependent from claim 2.

Appropriate correction is required.

#### *Claim Rejections – 35 USC § 102(b)*

3. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all obviousness rejections set forth in this office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 12, and 14-22 are rejected under 35 U.S.C. 102(b) as being unpatentable over Halpern et al. (hereafter 'Halpern') (Pat. No. 6,282,711 B1).
5. **As to claim 1**, Halpern discloses a method for distribution and installation of computer programs across an enterprise (Col. 1, lines 14-19), comprising the steps of: storing characteristics of users and user machines on a database (Abstract, lines 4-7, lines 13-16; Col. 4, lines 59-65; Col. 9, lines 12-21); imaging at least one computer

Art Unit: 2196

program at a location remote from user machines (Col. 3, lines 1-4; Fig. 1, elements 109, 110; Col. 6, lines 1-10); imaging characteristics of users and user machines for at least one computer program at a location remote from said user machines (Fig. 1, element 106; Col. 4, line 66 through Col. 5, line 5); downloading to at least one specified destination user machine at least one imaged computer program (Col. 1, lines 14-19; Col. 3, line 66 through Col. 4, line 5) and corresponding characteristics of users and user machines for both imaged computer program and specified destination user machine (Col. 5, lines 49-55), wherein downloading is accomplished via a download medium (Col. 2, line 66 through Col. 3, line 1); wherein an installation utility for imaged computer program accompanies download medium (Fig. 3, step 12; Col. 7, Step 12; Col. 10, lines 12-18; Col. 11, lines 3-7); installing said computer program from download medium at said destination user machine (Fig. 3, step 15; Col. 7, Step 15), wherein installation is accomplished by installation utility (Fig. 3, step 12); and auto-configuring computer program for destination user machine (Col. 4, lines 59-61).

6. **As to claim 2**, Halpern discloses in an enterprise, an apparatus for remote installation of a computer program from one or more central locations (Abstract, lines 4-7), comprising: a central server (Fig. 1, element 102; Col. 4, lines 54-57); a plurality of remote user machines (Fig. 1, elements 101, 105A, 105B, 105C; Col. 4, lines 61-66); wherein said remote machines and said server are communicatively coupled via a network (Col. 4, lines 54-57); a computer program distribution and installation medium comprising an image of said computer program (Col. 5, lines 49-55) and user/user

Art Unit: 2196

machine information (Abstract, lines 4-7, lines 13-16; Col. 4, lines 59-65; Col. 9, lines 12-21) for said destination user machine in accordance with said user/user machine information; and an installation utility for installing said computer program (Fig. 3, step 12; Col. 7, Step 12; Col. 10, lines 12-18; Col. 11, lines 3-7) from a distribution and installation medium at a destination user machine; wherein said installation utility auto-configures said computer program (Col. 4, lines 59-61).

7. **As to claim 18**, Halpern discloses a computer readable medium, medium storing computer code comprising: an image of a computer program (Col. 3, lines 1-4; Fig. 1, elements 109, 110; Col. 6, lines 1-10); and image of user/user machine information (Abstract, lines 4-7, lines 13-16; Col. 4, lines 59-65; Col. 9, lines 12-21) from a configuration database (Col. 9, lines 12-18) for customization of computer program (Col. 5, lines 49-55) for a destination machine.

8. **As to claim 20**, Halpern discloses in an enterprise, an apparatus for installing and customizing a computer program on a user machine, comprising: a medium comprising an image of a computer program (Col. 3, lines 1-4; Fig. 1, elements 109, 110; Col. 6, lines 1-10); user/user machine information (Abstract, lines 4-7, lines 13-16; Col. 4, lines 59-65; Col. 9, lines 12-21) from a configuration database (Col. 9, lines 12-18) for customization of said computer program for a destination machine; and a facility for installing said computer program at said destination machine (Fig. 3, step 12) and for automatically configuring (Col. 4, lines 59-61).

9. **As to claim 21**, Halpern discloses a method for distribution and custom installation of computer programs across an enterprise (Col. 1, lines 14-19), comprising the steps of: gathering information about a destination machine (Fig. 2, element 2B-1; Col. 3, lines 31-37); querying destination machine for machine related information; if destination machine already has a record in a configuration database, recording any changes to machine information to a machine record in said database (Col. 5, lines 6-9, 25-32; Col. 7, Steps 1A, 2, 2A-1, 2A-2, 2B-1, 2B-2, 3); after updating database as necessary, querying a user for deployment of a computer program image (Col. 5, lines 34-44); once user has chosen an image to deploy, creating answer files based on information that said user entered, as well as a type of image that user choose (Col. 9, lines 12-21); delivering said image (Col. 3, lines 1-4); and writing answer files.

10. **As to claim 3**, Halpern discloses the apparatus further comprising: a database for storing said user/user machine information (Abstract, lines 4-7, lines 13-16; Col. 4, lines 59-65; Col. 9, lines 12-21); and a browser for accessing said database and locating an appropriate software image for a particular user machine (Abstract, lines 10-13; Fig. 1, elements UI-1, UI-2, and UI-3; Col. 4, lines 54-57; Col. 4, line 66 through Col. 5, line 5).

11. **As to claim 4**, Halpern discloses the apparatus further comprising: a database for receiving and storing installation specific information (Abstract, lines 13-16).

12. **As to claim 5**, Halpern discloses the apparatus further comprising: a user access utility for inputting user/user machine information to database (Fig. 1, elements 105, 106, 114, 113; Col. 5, lines 6-9, 32-36).

13. **As to claim 6**, Halpern discloses the apparatus wherein said medium automates replacing an operating system on a user machine (Col. 9, lines 1-9).

14. **As to claim 7**, Halpern discloses the apparatus further comprising: an access facility (Fig. 1, elements 104, 105; Col. 5, lines 6-9) by which a user can select deployment of any of a required operating system (Col. 9, lines 1-9) for said user's machine and applications for machine.

15. **As to claim 8**, Halpern discloses the apparatus medium comprising: a boot disk for computer program installation on user's machine (Col. 8, lines 28-37).

16. **As to claim 9**, Halpern discloses the apparatus wherein said boot disk comprises a physical disk that is delivered by a physical delivery mechanism (Col. 8, lines 28-37).

17. **As to claim 12**, Halpern discloses the apparatus wherein said medium comprises: a plurality of boot disks (Col. 8, lines 30-32, 34-37).

18. **As to claim 14**, Halpern discloses the apparatus wherein image comprises any of: both of a computer program and customization information (Col. 1, lines 14-16) from a database (Fig. 1, element 108; Col. 5, lines 11-16); and a computer program, wherein customization information (Fig. 2, element 5; Col. 3, lines 41-43) is obtained from database via network (Col. 1, 14-19) as part of a computer program installation.

19. **As to claim 15**, Halpern discloses the apparatus further comprising: a configuration database (Col. 5, lines 49-55), remote to users (Fig. 1, element 102; Col. 4, lines 54-57), comprising characteristics of users and/or user machines (Abstract, lines 4-7, lines 13-16; Col. 4, lines 59-65; Col. 9, lines 12-21), which characteristics are used to customize one or more computer programs (Fig. 2, element 5; Fig. 3; Col. 1, lines 14-19) as part of computer program installation (Col. 3, lines 1-4) on one or more of user machines (Fig. 1, elements 101, 105; Col. 4, lines 54-57).

20. **As to claim 16**, Halpern discloses the apparatus further comprising: an image database for maintaining an image of each computer program remote from users/user machines (Col. 9, lines 12-21).

21. **As to claim 17**, Halpern discloses the apparatus further comprising: an access utility for accessing an image from within image database to configure computer



Art Unit: 2196

programs for a particular user and/or user machine for a particular user and/or user machine (Fig. 1, elements 105, 106, 114, 113; Col. 5, lines 6-9, 32-36).

22. **As to claim 19**, Halpern discloses the medium further comprising computer code comprising: an installation utility for installing and customizing computer program from medium at destination machine (Fig. 3, step 12; Col. 7, Step 12; Col. 10, lines 12-18; Col. 11, lines 3-7).

23. **As to claim 22**, Halpern discloses the method further comprising the step of: providing a Web portal for user management and searching of said database (Fig. 3, step 14; Col. 2, line 65 through Col. 3, line 1; Col. 3, lines 7-9).

24. Claim 10-11, 13, and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern in view of Lu et al. (hereafter 'Lu') (Pub. No. US 2002/0156877 A1).

25. **As to claim 23**, Halpern discloses in an enterprise, a method for custom installation of a computer program in a destination machine, comprising the steps of: gathering information for said database concerning said destination machine (Fig. 2, element 2B-1; Col. 3, lines 31-37); running a script to access a database (Fig. 2, element 4; Col. 3, lines 22-27) for destination machine information that is used for customization during said installation (Fig. 1, element 104; Fig. 2, element 5; Fig. 3,

Art Unit: 2196

elements 6, 7, 8, 9; Col. 1, lines 14-19), wherein said information is optionally displayed to said user for confirmation of its validity (Fig. 1, elements 105A, 105B, 105C, UI-1, UI-2, UI-3, 104, 108; Col. 7, Step 2); and writing said information to said database (Col. 7, Step 1A-2) ; writing image files (Col. 3, line 67 through Col. 4, line 5), as customized (Fig. 2, element 5), to destination machine's hard drive; running at least one shell script; once a shell script begin running, running at least one imaging script (Col. 6, lines 58-64; Col. 8, lines 34-37).

But, Halpern does not specifically disclose a method for custom installation of a computer program in a destination machine, comprising the steps of: inserting a boot disk into a drive of a destination machine; machine booting to boot code contained on boot disk; displaying to a user a menu while a boot process continues; boot process contacting an imaging server, identifying scripts that may be required for installation, and initializing an installation utility; once initialization is complete, running at least one boot scrip for any of establishing network connectivity, acquiring an IP address, mounting drives; as well as other commands that are part of installation; writing image files, as customized, to destination machine's hard drive; and rebooting said destination machine.

However, in an analogous art, Lu discloses in an enterprise, a method for custom installation of a computer program in a destination machine, comprising the steps of: inserting a boot disk into a drive of a destination machine (Fig. 5, element 565; [0106]; [0053]); machine booting to boot code contained on said boot disk ([0106]); displaying to a user a menu while a boot process continues ([0104]); boot process contacting an

Art Unit: 2196

imaging server ([0054]; [0087]), identifying scripts that may be required for said installation ([0087], lines 1-4), and initializing an installation utility; once initialization is complete, running at least one boot scrip for any of establishing network connectivity ([0087], lines 4-8), acquiring an IP address ([0105], lines 4-7), mounting drives (Fig. 5, element 565 – Mount File System); as well as other commands that are part of said installation ([0054], lines 6-9; [0087], lines 1-4); and rebooting said destination machine ([0105], lines 1-3; [0106], lines 4-5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Halpern and the teachings of Lu to further provide machine booting and scripting running on destination to facilitate installation process in Halpern system.

The motivation is to make custom configured software installation easier and efficient.

26. **As to claim 10**, Halpern does not disclose the apparatus wherein boot disk comprises: a Linux-based installation mechanism.

However, in an analogous art, Lu discloses the apparatus wherein boot disk comprises: a Linux-based installation mechanism ([0066], lines 8-10; [0092], lines 10-12).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Halpern and the teachings of

Lu to further provide the apparatus wherein boot disk comprises a Linux-based installation mechanism in Halpern system.

The motivation is to provide an alternative way to use boot disk to install a Linux-based operating system ([Lu], [0106]).

27. **As to claim 11**, Halpern does not disclose the apparatus wherein said boot disk comprises: a virtual disk.

However, in an analogous art, Lu discloses the apparatus wherein said boot disk comprises: a virtual disk ([0106]; [0053]; ([0095], lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Halpern and the teachings of Lu to further provide the apparatus wherein boot disk that comprises a virtual disk in Halpern system.

The motivation is to provide an alternative way to use a virtual boot disk to install the operating system ([Lu], [0106]).

28. **As to claim 13**, Halpern discloses the apparatus wherein plurality of boot disks that comprise physical disks (Col. 8, lines 30-32, 34-37).

But, Halpern does not specifically disclose the apparatus wherein said plurality of boot disks that comprise of virtual disks.

However, in an analogous art, Lu discloses the apparatus wherein said plurality of boot disks that comprise of virtual disks ([0106]; [0053]; ([0095], lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Halpern and the teachings of Lu to further provide the apparatus wherein said plurality of boot disks that comprise of virtual disks in Halpern system.

The motivation is to use virtual boot disk as an alternate to install the operating system ([Lu], [0106]).

### **Conclusion**

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Crespo et al., (Pub. No. US 2003/0046682 A1) – System and Method for the Automatic Installation and Configuration of an Operating System.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben C. Wang whose telephone number is 571-270-1240. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 2196

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BCW *BW*

December 18, 2006

*N. El-Hady*  
NABIL M. EL-HADY  
SUPERVISORY PATENT EXAMINER